

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO, INC. SECURITIES LITIGATION :

07 MDL No. 1902 (GEL)

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MARC S. KIRSCHNER, AS TRUSTEE OF  
THE REFCO LITIGATION TRUST,

Plaintiff,

- against -

GRANT THORNTON LLP, MAYER BROWN, :  
ROWE & MAW, LLP, ERNST & YOUNG U.S. :  
LLP, PRICEWATERHOUSECOOPERS LLP, :  
CREDIT SUISSE SECURITIES (USA) LLC :  
(F/K/A CREDIT SUISSE FIRST BOSTON :  
LLC), BANC OF AMERICA SECURITIES :  
LLC, DEUTSCHE BANK SECURITIES INC., :  
PHILIP R. BENNETT, SANTO C. MAGGIO, :  
ROBERT C. TROSTEN, TONE N. GRANT, :  
REFCO GROUP HOLDINGS, INC., LIBERTY :  
CORNER CAPITAL STRATEGIES, LLC, :  
WILLIAM T. PIGOTT, EMF FINANCIAL :  
PRODUCTS, LLC, EMF CORE FUND, LTD., :  
DELTA FLYER FUND, LLC, ERIC M. :  
FLANAGAN, INGRAM MICRO, INC., CIM :  
VENTURES, INC., BECKENHAM TRADING :  
CO., INC., ANDREW KRIEGER, COAST :  
ASSET MANAGEMENT, LLC (F/K/A COAST :  
ASSET MANAGEMENT LP), CS LAND :  
MANAGEMENT, LLC, AND CHRISTOPHER :  
PETITT,

Defendants.

07 Civ. 11604 (GEL)

**NOTICE OF MOTION TO DISMISS  
COUNT THIRTY-SEVEN OF THE  
COMPLAINT AS AGAINST  
INGRAM MICRO INC. AND  
CIM VENTURES INC.**

**ORAL ARGUMENT REQUESTED**

ELECTRONICALLY FILED

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PLEASE TAKE NOTICE that defendants Ingram Micro Inc. and CIM Ventures Inc. will  
move this Court for an order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil

Procedure dismissing with prejudice count thirty seven of the Complaint as against them. The grounds for this motion are set forth in the defendants' accompanying memorandum of law.

PLEASE TAKE FURTHER NOTICE that defendants Ingram Micro Inc. and CIM Ventures Inc. respectfully request oral argument on the present motion.

Dated: New York, New York  
May 21, 2008

DAVIS POLK & WARDWELL

By: s/Robert F. Wise, Jr.

Robert F. Wise, Jr. (RW-1508)  
Paul Spagnoletti (PS-5298)

450 Lexington Avenue  
New York, New York 10017  
(212) 450-4000

-and-

Peter C. John  
WILLIAMS MONTGOMERY & JOHN LTD  
20 North Wacker Drive, Suite 2100  
Chicago, Illinois 60606  
(312) 443-3200

*Attorneys for Defendants Ingram Micro Inc.  
and CIM Ventures Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2008, I caused true and accurate copies of: (i) the foregoing Notice of Motion to Dismiss Count Thirty-Seven of the Complaint as Against Ingram Micro Inc. and CIM Ventures Inc., (ii) the accompanying Memorandum of Law by defendants Ingram Micro Inc. and CIM Ventures Inc. in support of their motion, and (iii) the Declaration of Robert F. Wise, Jr., dated May 21, 2008, in support of the motion to be served upon counsel of record by the Court's CM/ECF system or by overnight courier at the addresses set forth on the attached service list where ECF service was not available.

Dated: New York, New York  
May 21, 2008

s/ Ian R. Rooney  
\_\_\_\_\_  
Ian R. Rooney

SERVICE LIST

Richard I. Werder, Jr.  
Nicholas J. Calamari  
Michael B. Carlinsky  
Susheel Kirpalani  
Sascha N. Rand  
Rebecca J. Trent  
Robert C. Juman  
Rex Lee  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES LLP  
51 Madison Avenue  
22nd Floor  
New York, NY 10010  
Phone: (212) 849-7000  
Fax: (212) 849-7100  
rickwerder@quinnemanuel.com  
nicholascalamari@quinnemanuel.com  
michaelcarlinsky@quinnemanuel.com  
sarahrubin@quinnemanuel.com  
sascharand@quinnemanual.com  
beckytrent@quinnemanual.com  
robertjuman@quinnemanual.com  
rexlee@quinnemmanual.com  
***Counsel for Marc S. Kirschner, as  
Trustee of the Refco Litigation Trust***

Susheel Kirpalani  
Milbank, Tweed, Hadley &  
McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005  
Phone: (212) 530-5234  
Fax: (212) 822-5234  
skirpalani@milbank.com

-and-

John R. McCambridge  
Todd C. Jacobs  
Gary M. Miller  
GRIPPO & ELDEN, LLC  
111 South Wacker Drive  
Chicago, IL 60606  
docket@grippoelden.com,  
ourdocket@gmail.com

***Counsel for Marc S. Kirschner, as  
Trustee of the Refco Litigation Trust***

Philip D. Anker  
WILMER CUTLER PICKERING  
HALE & DORR LLP  
399 Park Avenue  
New York, NY 10022  
Phone: (212) 230 8890  
Fax: (212) 230 8888  
philip.anker@wilmerhale.com

-and-

Jeffrey Todd Gilbert  
Pia N. Thompson  
REED SMITH, LLP  
10 South Wacker Drive  
40th Floor  
Chicago, IL 60606-7507  
tguzman@reedsmith.com,  
jgilbert@reedsmith.com,  
pthompson@reedsmith.com

***Counsel for Banc of America  
Securities, LLC; Credit Suisse  
Securities (USA), LLC; Deutsche  
Bank Securities, Inc.***

Aaron E. Albert  
Alan C. Thomas  
FISCHER PORTER & THOMAS, P.C.  
440 Sylvan Avenue  
Suite 130  
Englewood Cliffs, NJ 07632-2700  
Phone: (201) 569-5959 x 131  
Fax: (201) 871-4544  
aalbert@fpmtlaw.com  
athomas@fpmtlaw.com  
***Counsel for Beckenham Trading Co.,  
Inc.; Andrew Krieger***

Joel Alan Blanchet  
James C. Joslin  
Reed S. Oslan  
Peter Stasiewicz  
Amanda J. Wendorff  
Micah Eric Marcus  
Richard Howell  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, IL 60601-6636  
jblanchet@kirkland.com,  
jjoslin@kirkland.com,  
roslan@kirkland.com,  
pstasiewicz@kirkland.com,  
awendorff@kirkland.com,  
mmcarcus@kirkland.com,  
rhowell@kirkland.com  
***Counsel for Coast Asset Management,  
LLC f/k/a Coast Asset Management  
LP; CS Land Management, LLC***

Richard Soto  
Scott E. Hershman  
HUNTON & WILLIAMS LLP  
200 Park Avenue  
New York, NY 10166-0136  
Phone: (212) 309-1053  
Fax: (212) 309-1100  
rsoto@hunton.com  
shershman@hunton.com  
***Counsel for Santo C. Maggio***

David E. Mollon  
WINSTON & STRAWN LLP  
200 Park Avenue  
New York, NY 10166-4193  
dmollon@winston.com

-and-

Linda T. Coberly  
Catherine W. Joyce  
Bradley E. Lerman  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601  
lcoberly@winston.com,  
cjoyce@winston.com,  
blerman@winston.com,  
ECF\_CH@winston.com  
***Counsel for Grant Thornton, LLP***

John K. Villa  
Anthony M. Candido  
Craig D. Singer  
Daniel P. Shananhan  
Michael S. Sundermeyer  
Thomas G. Ward  
WILLIAMS & CONNOLLY LLP  
725 12th Street, N.W.  
Washington, DC 20005  
Phone: (202) 434-5000  
Fax: (202) 434-5029

-and-

Kevin Michael Forde  
KEVIN M. FORDE, LTD.  
111 West Washington Street  
Suite 1100  
Chicago, IL 60602  
kforde@fordeltd.com,  
kbrubaker@fordeltd.com  
***Counsel for Mayer Brown LLP***

James J. Capra, Jr.  
Kenneth T. Turnbull  
James P. Cusick  
ORRICK HERRINGTON &  
SUTCLIFFE LLP  
666 Fifth Avenue  
New York, NY 10103  
Phone: (212) 506-5000  
jcapra@orrick.com  
kturnball@orrick.com  
***Counsel for PriceWaterhouseCoopers  
LLP***

Anthony M. Candido  
CLIFFORD CHANCE US LLP  
31 West 52nd Street  
New York, NY 10019-6131  
Phone: (212) 878-8000  
Fax: (212) 878-8375  
anthony.candido@cliffordchance.com  
***Counsel for Mayer Brown  
International LLP***

Veronica E. Rendon  
ARNOLD & PORTER LLP  
399 Park Avenue  
New York, NY 10022  
Phone: (212) 715-1165  
Fax: (212) 715-1399  
veronica.rendon@aporter.com  
***Counsel for Delta Flyer Fund, LLC;  
EMF Financial Products, LLC; EMF  
Core Fund, Ltd.; Eric M. Flanagan***

Christopher R. Harris  
Anthony Maul  
Miles N. Ruthberg  
Elizabeth H. Hickey  
LATHAM & WATKINS LLP  
885 Third Avenue  
Suite 1000  
New York, NY 10022-4834  
Phone: (212) 906-1200  
Fax: (212) 751-4864  
christopher.harris@lw.com  
miles.ruthberg@lw.com  
elizabeth.hickey@lw.com  
***Counsel for Ernst & Young U.S. LLP***

John D. Tortorello  
Roseann Bassler Dal Pra  
MARINO TORTORELLO PC  
437 Southern Boulevard  
Chatham, NJ 07928-1488  
Phone: (973) 824-9300  
Fax: (973) 824-8425  
jtortorella@kbmarino.com  
rdalpra@khmarino.com  
***Counsel for Liberty Corner Capital Strategies, LLC; William T. Pigott***

Thomas Justin Cunningham  
Ronald M. Lepinskas  
Sally Weiss Mimms  
Phillip Russell Perdew  
LOCKE LORD BISSELL & LIDDELL  
LLP  
111 South Wacker Drive  
Chicago, IL 60606  
tcunningham@lockelord.com,  
rlepinskas@lockelord.com,  
mhoeft@lockelord.com,  
smimms@lockelord.com,  
pperdew@lockelord.com,  
kargyris@lockelord.com,  
docket@lockelord.com  
***Counsel for Christopher Petitt***

Barbara Moses  
Rachel M. Korenblat  
James S. Darrow  
MORVILLO ABRAMOWITZ  
GRAND IASON ANELLO &  
BOHRER, P.C.  
565 Fifth Avenue  
New York, NY 10017  
Phone: (212) 856-9600  
Fax: (212) 856-9494  
bmoses@maglaw.com  
jdarrow@maglaw.com  
rkorenblat@maglaw.com

-and

Maura Forde O'Meara  
Stephen J. O'Neil  
BELL BOYD & LLOYD  
70 West Madison Street  
Suite 3100  
Chicago, IL 60602  
momeara@bellboyd.com,  
soneil@bellboyd.com,  
docket@bellboyd.com  
***Counsel for Robert C. Trosten***

Jeffrey T. Golenbock  
Adam C. Silverstein  
GOLENBOCK EISEMAN ASSOR  
BELL & PESKOE LLP  
437 Madison Avenue  
New York, NY 10022-7302  
Phone: (212) 907-7300  
Fax: (212) 754-0330  
jgolenbock@golenbock.com  
asilverstein@golenbock.com  
***Counsel for Phillip R. Bennett; Refco  
Group Holdings, Inc.***

Norman L. Eisen  
ZUCKERMAN SPAEDER LLP  
1800 M Street, N.W.  
Suite 1000  
Washington, DC 20036  
Phone: (202) 778-1800  
Fax: (202) 822-8106  
neisen@zuckerman.com  
***Counsel for Tone Grant***

-and-

Edward Sidney Weil  
Heather L. Kramer  
SCHWARTZ COOPER CHARTERED  
180 North LaSalle Street  
Suite 2700  
Chicago, IL 60601  
eweil@scgk.com, hkramer@scgk.com  
***Counsel for Phillip R. Bennett***